

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeem G. Kelly.

Williston Basin Interstate Pipeline Company

Docket No. RP04-35-001

ORDER ON REHEARING

(Issued March 5, 2004)

1. On December 5, 2003, Williston Basin Interstate Pipeline Company (Williston Basin) filed a Request for Rehearing of the Commission's November 28, 2003 Order Accepting Negotiated Service Agreement Subject to Conditions, and Rejecting Nonconforming Service Agreements.¹ This order dismisses the Request for Rehearing as moot.
2. In the November 28, 2003 Order, the Commission rejected four contracts for service on Williston Basin's Grasslands Pipeline Project on the grounds that those agreements, which had 12-month terms, did not contain rights of first refusal (ROFR), which was contrary to Williston Basin's tariff,² the Commission's regulations,³ and Order No. 637.⁴
3. Thereafter, Williston Basin and three of the affected shippers entered into service agreements with nine month terms to replace the agreements that had been rejected by the Commission. Those agreements, which Williston Basin stated did not contain non-

¹ Williston Basin Interstate Pipeline Co., 105 FERC ¶ 61,256 (2003) (November 28, 2003 Order).

² Sections 24 and 51.4 of the General Terms and Conditions of Williston Basin's FERC Gas Tariff, Second Revised Volume No. 1.

³ 18 C.F.R. § 284.221(d)(2) (2003).

⁴ FERC Stats. and Regs., Regulations Preambles July 1996-December 2000, ¶ 31,091 at 31,341.

conforming tariff provisions and did not deviate from the pro forma service agreement in its tariff, were accepted, effective January 1, 2004, by letter order issued January 30, 2004 in Docket No. RP04-135-000.

4. As to the remaining shipper, Concord Energy, LLC (Concord), on January 16, 2004, Williston Basin filed with the Commission the original 12-month service agreement, but made Concord eligible for full ROFR rights. Williston Basin stated that if the Commission approves the service agreement with Concord, as well as the three service agreements filed in Docket No. RP04-135-000, its request for rehearing in Docket No. RP04-35-000 will become moot. The service agreement with Concord was accepted, effective November 1, 2003, by letter order issued February 10, 2004 in Docket No. RP03-323-001.

5. Since the four conforming service agreements have been accepted by the Commission, the request for rehearing of the Commission's October 23, 2003 Order rejecting the non-conforming service agreements is now moot.

The Commission orders:

Rehearing of the Commission's November 28, 2003 Order is dismissed as moot.

By the Commission.

(S E A L)

Magalie R. Salas
Secretary